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TIMOTHY B. FLEMING  
OF COUNSEL

December 21, 2021

***Via ECF Only***

The Honorable Sarah Netburn  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007-1312

**Re: *In Re Terrorist Attacks on Sept. 11, 2001, 1:03-MDL-1570 (GBD)(SN)*  
*Ray, et al. v. Iran, et al., 1:19-cv-00012 (GBD)(SN)*  
*Ryan, et al. v. Iran, et al., 1:20-cv-0266 (GBD)(SN)*  
Supplemental Letter Addressing *Samantar* in Regard to Service of Individual  
Defendants and Letter Motion Requesting Leave to Withdraw Prior Motion**

Dear Magistrate Judge Netburn:

I write on behalf of the *Ryan* and *Ray* Plaintiffs in response to the Court's December 8, 2021 order (MDL Doc. No. 7440) concerning the method for serving two individual defendants in light of *Samantar v. Yousef*, 560 U.S. 305 (2010).

Both the *Ryan* and the *Ray* Plaintiff do seek damages against the two individual Defendants and do intend to enforce any judgments against both individuals. Accordingly, the *Ryan* Plaintiffs hereby seek leave to withdraw their previously filed motion at *Ryan* Doc. No. 72 (MDL Doc. No. 7367). The *Ryan* Plaintiffs would thereafter refile their motion to indicate more clearly that they are seeking to (1) serve the agency and instrumentality Defendants in the manner set forth in 28 U.S.C. §1608(a)(4), and (2) serve the individual foreign official Defendants in the manner prescribed by common law service on current and former officials of a foreign government in conformity with *Samantar v. Yousef*, 560 U.S. 305 (2010).

The *Ray* agency and instrumentality Defendants have already been served in the manner set forth in 28 U.S.C. §1608(a)(4). On April 20, 2021, Judge Daniels granted the *Ray* Plaintiffs' motion authorizing service upon the agency and instrumentality Defendants, and the two

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individual defendants, via letters rogatory. *Ray* Doc. No. 238. Nevertheless, out of an abundance of caution, the *Ray* Plaintiffs will also file another motion seeking authorization to serve the two individual Defendants again by letters rogatory, specifically pursuant to Fed. R. Civ. P. 4(f)(2)(B).

Respectfully,

A handwritten signature in cursive script, appearing to read "Timothy B. Fleming".

Timothy B. Fleming  
Counsel to *Ryan* and *Ray* Plaintiffs